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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

CHARLES K. RIBAKOFF 2ND TRUST
INDENTURE (ARC), CHARLES K. RIBAKOFF,
in his capacity as trustee of the Charles K. Ribakoff
2nd Trust Indenture, CHARLES K. RIBAKOFF,
individually,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04969 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and Defendants Charles K. Ribakoff 2nd Trust Indenture (ARC); Charles K. Ribakoff, in his capacity as trustee of the Charles K. Ribakoff 2nd Trust Indenture; and Charles K. Ribakoff, individually (collectively “Defendants”), by and through their counsel, Charles Azano of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against the Defendants.
2. On September 30, 2011, Defendants filed an answer to the Complaint.
3. On April 11, 2018, the Parties entered into a settlement agreement (the “Settlement Agreement”) pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [ECF No. 3181].
4. In accordance with Federal Rule of Civil Procedure 41(a)(1), made applicable hereto by Federal Rule of Bankruptcy Procedure 7041, the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default under the terms of the Settlement Agreement.
5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties

of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

The Bankruptcy Court shall retain jurisdiction over this Stipulation.

Date: May 23, 2018
New York, New York

BAKER & HOSTETLER LLP

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**MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.**

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Attorneys for Defendants

SO ORDERED:

Dated: My 23, 2018
New York, New York

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge